

1
EXHIBIT



CASE DETAILS

M&T BANK vs. JOANNE M. ROMAN

 Butler County Home Help
 AD-2022-10337

Close Documents

Print ▼

CIVIL: REAL PROPERTY - MORTGAGE FORECLOSURE: RESIDENTIAL

 Date filed: 05/13/2022 12:56 PM
 Days Open: 277
 Status: OPEN
 Date closed:

Plaintiff

 Name: M&T BANK
 Address: 1 FOUNTAIN PLAZA
 BUFFALO, NY 14203
 MAILING

vs.

Defendant

 Name: JOANNE M. ROMAN
 Address: 102 ARTLEE AVENUE
 BUTLER, PA 16001
 MAILING

Attorney (Plaintiff)

 Name: KML LAW GROUP P.C.
 Address: SUITE 5000 - BNY MELLON INDEPENDENCE CTR
 701 MARKET STREET
 PHILADELPHIA, PA 19106
 MAILING 866-413-2311

Attorney

 Name:
 Address:

Assigned Official: William R Shaffer (Judge) ▼

Case Details

SubCategory:

Commencement: Complaint

 Filing Options: ☐ Pro Se ☐ Class Action Suit ☐ Money Damages ☒ Outside Arbitration Limits ☐ MDJ Appeal ☐ In Forma Pauperis

 Disposition: Final: ☐ ☐ ☒ AOPC: ☐ ☒

Public Notes: COUNTERCLAIM FILED BY DFT - 9/29/22

Reference Number(s)

Case Docket Entries

Date	Category	Description
1/5/2023	REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY	AD-2022-10337_REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY_01052023094158
1/5/2023	REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY	AD-2022-10337_REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY_01052023094146
10/25/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_10252022033823
10/18/2022	REPLY	AD-2022-10337_REPLY_10182022092028
9/29/2022	ANSWER AND COUNTERCLAIM	AD-2022-10337_ANSWER AND COUNTERCLAIM_09292022113648
8/3/2022	RULE 236 NOTICE	AD-2022-10337_RULE 236 NOTICE_08032022092458
8/2/2022	ORDER OF COURT	AD-2022-10337_ORDER OF COURT_08022022091826
8/1/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_08012022094101
7/29/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_07292022115431
7/27/2022	CORRESPONDENCE FROM	AD-2022-10337_CORRESPONDENCE FROM_07272022024626
7/11/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_07112022035830
6/23/2022	RULE 236 NOTICE	AD-2022-10337_RULE 236 NOTICE_06232022092148
6/23/2022	ORDER OF COURT	AD-2022-10337_ORDER OF COURT_06232022091753
6/20/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_0620202203628
6/13/2022	RESPONSE TO	AD-2022-10337_RESPONSE TO_0613202203628

5/25/2022	ASSIGNMENT OF JUDGE	AD-2022-10337_ASSIGNMENT OF JUDGE_05252022094032
5/17/2022	SHERIFF'S RETURN: AS TO SERVICE OF	AD-2022-10337_SHERIFF'S RETURN: AS TO SERVICE OF_05172022101012
5/13/2022	CERT COPY TO SHERIFF	AD-2022-10337_CERT COPY TO SHERIFF_05132022011527
5/13/2022	COMPLAINT IN CIVIL ACTION MORTGAGE FORECLOSURE -	AD-2022-10337_COMPLAINT IN CIVIL ACTION MORTGAGE FORECLOSURE -_05132022011315
5/13/2022	SUPREME COURT OF PENNSYLVANIA CIVIL COVER SHEET	AD-2022-10337_SUPREME COURT OF PENNSYLVANIA CIVIL COVER SHEET_05132022011308
5/13/2022	SHERIFF'S COSTS:	AD-2022-10337_SHERIFF'S COSTS:_05132022011259

Case Judgments

Date	Creditor	Debtor	Description	Amount	...
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23-1



Request for Transcript or Copy Butler County

 REC'D COURT ADMIN.
JAN 23 PM 2:28
CLERK OF COURT
BUTLER CO
PA
FILED
PH 2:43

Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any court proceeding. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the appropriate link at: <http://www.pacourts.us/courts/courts-of-common-pleas/>. If the cost of the transcript presents an economic hardship, there are reduced rates available to those who qualify. See Pa.R.J.A. 4007 (B). Copies of this request must be served in accordance with Pa.R.J.A. 4007(B). A deposit determined by local rule may be required.

I. Case Information

Case Caption M&T Bank, Plaintiff vs. Joanne M. Roman, Defendant	Docket Number AD-2022-10337
Presiding Judge William R. Shaffer, Senior Judge	Courtroom 3rd floor #7
Date of Proceeding July 26, 2022	Co-Defendant docket # (if applicable)

Court Reporter Name (if available)

Sue, I think it was her last day before retirement

Type of proceeding: (check the appropriate box)

☐ Criminal ☒ Civil ☐ Family ☐ Orphans' Court ☐ Juvenile ☐ Other: (specify)

 Is this transcript request associated with an appeal? ☒ Yes ☐ No Children's Fast Track ☐ Yes ☒ No

II. Requestor Information

 I am Counsel for Joanne M. Roman, ProSe Litigant and Defendant ☒ Self-Represented ☐ Not a party to this action
Court Appointed? ☐ Yes ☒ NoDoes this request qualify for a reduced rate pursuant to Rule 4007(E)? ☐ Yes ☒ No

If Yes, please provide proof of authorization for a reduced rate or an affidavit required by Rule 4008(B)(4) requesting waiver of all or a portion of the costs.

Name of requestor/Attorney ID Number (if applicable)

Agency/Firm

Street Address 102 Artlee Avenue	City Butler	State PA	Zip 16001
Email jmroman0967@gmail.com	Phone 814-323-5853	Fax	

III. Transcript Items Requested

☒ Entire proceeding ☐ Jury Voir Dire ☒ Opening statements ☒ Closing arguments ☐ Jury Instructions
☐ Testimony (specify each witness):☐ Pre/Post trial hearing (specify):☐ Other (specify):

IV. Private Party Transcript Delivery and Cost

For original transcript requests, please select from the following:

 Delivery Time: ☐ Ordinary \$2.50/page ☒ Expedited* \$3.50/page

 Manner of Delivery: ☒ Electronic (PDF) format
Other (if offered, extra charges may apply): ☐ Complex LitigationAre you requesting a copy of an existing transcript? ☒ Yes ☐ No (For Photocopy rates, please see Rule 4008(D)).

*72 hour delivery time not counting weekends and holidays. Must be requested 10 days prior to hearing. In the event of an emergency, request may be made by oral motion to trial judge. Available only if court reporter can accommodate.

Requestor's Signature

January 3, 2023

Date

Request for Transcript or Copy

AOPC - 12.1.16

Butler Co. Version 9.7.17

5

This section to be filled out by Court Administration.

Docket # 2022-10337 Court Admin # 23-1Case Caption MPT Bank V. Roman Date from CA to CR 1/3/23Requestor's Name Joanne RomanRecording Office: ☐ Clerk of Courts ☒ Prothonotary ☐ Orphans' Court ☐ DRS ☐ NADelivery Type: ☐ Ordinary ☒ Expedited ☐ Appeal ☐ Other _____Date Due: 3 DAP Reporter: Sue WestCosts Waived: ☐ Yes ☒ No Deposit Waived: ☐ Yes ☒ No

This section to be filled out by Court Reporter.

☐ NO CHARGE TO REQUESTOR

(eg. Judge, Law Clerk, DA, PD, GAL, Court Appointed)

☒ NO DEPOSIT DUE

(No deposit is due if the requestor is to be charged, but the amount is less than \$50.00)

☐ REQUESTOR IS TO PAY DEPOSIT

(The due date of a transcript when a deposit is to be collected is determined by the date of the payment of the deposit.)

Estimated Total # of Pages 15Estimated Total Cost \$52.50 90% Due as Deposit NA

This section to be filled out by Recording Office if necessary.

Date Deposit Paid NA Balance Due NA

This section to be completed by Court Reporter upon completion of transcript.

☒ New Transcript ☐ Previously Transcribed – If previously transcribed, please leave in sent folder.Date Transcript Completed 1/4/23 Total # of pages 15File Name in Queue 2022-10337-AD-072622-Roman-Silva

This section to be filled out by upon completion of transcript.

Date RO notified 1/4/23 Amount Due \$52.50Date Payment Rec'd 1/5/23 Date Transcript Sent 1/5/23

+66

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

M&T BANK

Plaintiff,

vs.

JOANNE M. ROMAN,

Defendant.

CIVIL DIVISION

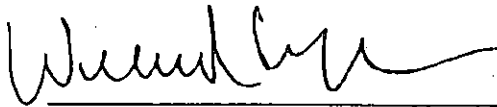
Case No. 22-10337

2022 AUG -2 PM 3:49

PROthonary's
OFFICE-BUTLER CO
ENTERED & FILEDORDER OF COURT

AND NOW, this 2nd day of August, 2022, upon consideration of Defendant's Motion to Dismiss Foreclosure Complaint, Plaintiff's response thereto, Defendant's Amended Motion to Dismiss, oral argument on the aforesaid pleadings held July 26, 2022, Defendant's Letter to the Honorable Senior Judge William R. Shaffer, Defendant's Response regarding the same, and Plaintiff's Response to Letter to the Honorable Senior Judge William R. Shaffer, Defendant's Motion to Dismiss is DENIED.

BY THE COURT,



 WILLIAM R. SHAFFER, Senior Judge

M&T BANK

VS.

JOANNE M. ROMAN

IN THE COURT OF COMMON PLEAS
OF BUTLER COUNTY, PA
CIVIL DIVISION
10TH JUDICIAL DISTRICT

CASE NUMBER
AD-2022-10337

CERTIFICATION

I hereby certify:

RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: KML LAW GROUP PC; JOANNE M ROMAN ON 8/3/22, BY FIRST CLASS MAIL, POSTAGE PREPAID.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal of the Said Court,
this August 03, 2022.

Attorney for the Plaintiff

KML LAW GROUP P.C.
SUITE 5000 - BNY MELLON INDEPENDENCE CTR
701 MARKET STREET
PHILADELPHIA, PA 19106



Kelly Ferrari
Butler County Prothonotary

Attorney for the Defendant

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IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

M&T BANK
Plaintiff,

CIVIL DIVISION
AD.2022-10337

Vs.

JOANNE M. ROMAN,
Defendant.

2022 JUN 23 AM 8:44

PROTHONOTARY'S
OFFICE - BUTLER CO.
ENTERED & FILED

ORDER OF COURT

AND NOW, June 21, 2022, upon consideration of the Defendant's Motion to Dismiss Foreclosure Complaint and Plaintiff's Response thereto, **IT IS ORDERED** that argument on the Motion is scheduled for July 26, 2022, at 9:15 a.m. in Courtroom #7 of the Butler County Courthouse.

BY THE COURT:


WILLIAM R. SHAFFER, Senior Judge



M&T BANK

VS.

JOANNE M. ROMAN

IN THE COURT OF COMMON PLEAS
OF BUTLER COUNTY, PA
CIVIL DIVISION
10TH JUDICIAL DISTRICT

CASE NUMBER
AD-2022-10337

CERTIFICATION

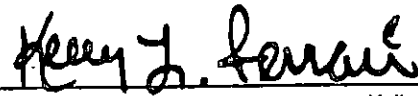
I hereby certify:

RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: KML LAW GROUP; JOANNE M ROMAN ON 6/23/22, BY FIRST CLASS MAIL, POSTAGE PREPAID.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal of the Said Court, this June 23, 2022.

Attorney for the Plaintiff

KML LAW GROUP P.C.
BNY MELLON INDEPENDENCE CTR SUITE 5000
701 MARKET STREET
PHILADELPHIA, PA 19106



Kelly Ferrari
Butler County Prothonotary

Attorney for the Defendant

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
CIVIL ACTION

M&T BANK,

Plaintiff,

v.

JOANNE M. ROMAN,

Defendant.

Current Owner in possession
by occupancy and recorded 8/9/2017
Warranty Deed inclusion of Title Policy

CIVIL ACTION
No. AD-2022-10337

2022 OCT 25 PM 2:58

PROthonary's Office
BUTLER COUNTY
ENTERED & FILED

RESPONSE TO PLAINTIFFS REPLY ON DEFENDANTS NEW MATTER
ANSWER WITH AFFIRMATIVE DEFENSE AND COUNTERCLAIMS

The Defendant, Joanne M. Roman, pro se litigant responds back to M&T Bank, the Plaintiffs' Reply to the Defendants New Matter.

1.

Pursuant Pa Code Title 231chapter 1000, Rule 1030(a) "affirmative defense" is inclusive of the following (discharge in bankruptcy; duress; estoppel; failure of consideration; fraud; illegality; immunity from suit; laches, privilege, res judicata, statute of frauds, statute of limitations).

Therefore, the Defendant **OBJECTS** to the Plaintiffs reply in its entirety. The Plaintiff's reply is exactly the same as the reply on June 20, 2022, and lacks any foundation, as it does introduce any other "material facts" **controverting the Defendant's Answer and Counter Claims** and by FACT is "irrelevant" and non-responsive. There is no response at all pursuant Court Rule 1030.

2.

The Defendant **OBJECTS** because the Defendants response was not "new matter" it was the "same matter" only formulated into the required Court rule that the heading must have "the word Answer" not response or reply and in compliance to the KML Law Group, P.C. dated September 20, 2022, giving the Defendant the 10 Days' Notice, Pursuant to Pa. R.C.P.237.1(a)(2) was a burden for the Defendant who requested 40 hours leave of absence from her employer plus the entire weekend to prepare that document at \$38.19 per hour (loss of 40 hours family leave) without having time to

IN THE COURT OF COMMON PLEAS OF
BUTLER COUNTY, PENNSYLVANIA
CIVIL ACTION

M&T BANK,

Plaintiff,

v.

JOANNE M. ROMAN,

Defendant,

Current Owner in possession
by occupancy and recorded
Deed 8/9/2017 and Title Policy

CIVIL ACTION
No. AD-2022-10337

2022 SEP 29 AM 10:38

PROthonary's Office
BUTLER COUNTY
ENTERED & FILED

ANSWER AND COUNTERCLAIMS OF DEFENDANT
JOANNE M ROMAN

The Defendant Joanne M. Roman, (hereafter referred to as "**Ms. Roman**"), is the sole legal owner in whole by General Warranty Deed and Title Policy (attached hereto) for the property described within the Complaint being 102 Arlee Avenue, Butler, PA 16001.

Ms. Roman, **DENIES, CONTESTS AND OBJECTS TO ALL** allegations contained within the Complaint by and through self as Pro se litigant, files this Answer, Affirmative Defense and Counterclaims, respectfully showing the Court the following:

FACTUAL BACKGROUND

1.

In response to KML Law Group P.C. REQUEST FOR ACTION WITHIN (10 Days) NOTICE OF DEFAULT FOR FAILURE TO ENTER A WRITTEN APPEARANCE PERSONALLY AND FILE WITH THE COURT YOUR DEFENSE OR OBJECTIONS TO THE CLAIM A JUDGEMENT MAY BE ENTERED AGAINST YOUR was received by me through regular mail on September 23, 2022, from KML Law Group, P.C. dated September 20, 2022, Pursuant to Pa. R.C.P. 237.1(a)(2). Ms. Roman (corrects) KML Law Group P.C.

2.

May 13, 2022, Consumer Credit Residential (Mortgage) Foreclosure Complaint was filed Civil Action Case No. AD-2022-10337, in the Court of Common Pleas of Butler County, Pennsylvania by a

3. The FRBP requires an adversary proceeding be filed by the Plaintiff to start a lawsuit after the closing of the bankruptcy. The creditor did not file a claim before the deadline date set outlined in the notice to the creditors 341 meeting to request lift of the automatic stay order which prevents a collection action or objects to a creditor's proof of claim (the amount owed to a creditor) to which the debtor was seeking a discharge with rights of due process.
4. The plaintiff is a creditor named on the debtor's credit matrix who the debtor has already received a discharge. The plaintiff is filing the complaint lawsuit requesting a judgement be granted to perfect their lean to foreclose form a different court system to validate the assignment recorded in the Butler land records on April 9, 2021, during defendant's automatic stay and after the July 28, 2021, date when the previous litigated bankruptcy case was closed.
5. The plaintiff creditor is required to file an "adversary proceeding" back thorough the bankruptcy court to reopen the case to obtain a legal binding decision to determine if the creditor is entitled to judgement, if the assignment valid as recorded without the creditor previously notifying the Trustee to file a claim timely before the deadline date of July 2, 2021, since the lien was recorded in the Butler land records during the time of the defendants automatic stay is a potential violation to the rights of the defendant. The plaintiff filing the lawsuit against the defendant untimely to perfect their lien to gain standing to foreclose.
6. The plaintiff is not following FRBP Rule 4001. **Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements.**
 - (A) *Motion.* A motion for authority to obtain credit shall be made in accordance with Rule 9014 and shall be accompanied by a copy of the credit agreement and a proposed form of order. (i) a grant of priority or a lien on property of the estate under §364(c) or (d);
 - (ii) the providing of adequate protection or priority for a claim that arose before the commencement of the case, including the granting of a lien on property of the estate to secure the claim, or the use of property of the estate or credit obtained under §364 to make cash payments on account of the claim;
 - (iii) a determination of the validity, enforceability, priority, or amount of a claim that arose before the commencement of the case, or of any lien securing the claim;
 - (iv) a waiver or modification of Code provisions or applicaole rules relating to the automatic stay;
 - (v) a waiver or modification of any entity's authority or right to file a plan, seek an extension of time in which the debtor has the exclusive right to file a plan, request the use of cash collateral under §363(c), or request authority to obtain credit under §364;

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA
CIVIL ACTION

M&T BANK
One Fountain Plaza
Buffalo, NY 14203

Plaintiff

No. 22-10337

vs.

JOANNE M. ROMAN
102 Artlee Avenue
Butler, PA 16001
Current Posser of Property and Recorded Deed and Title Holder

Defendant

PROthonotary's Office
BUTLER COUNTY
ENTERED FILED
2022 JUN -3 AM 10:15

DEFENDANTS' RESPONSE
PLAINTIFF CIVIL ACTION LAWSUIT 22-10337

DEFENDANT MOTIONS

**ORDER FOR DISMISAL OF PLAINTIFFS' COMPLAINT
IN BUTLER COURT OF COMMON PLEAS**

PLAINTIFF IS REQUIRED TO FILE (ADVERSARY PROCEEDING) TO THE APPROPRIATE
ENTITY (THE FEDERAL BANKRUPTCY COURT)

RE-OPEN CASE NUMBER 21-20642-GLT TO ADDRESS THE MATTER WHICH HAS
BEEN LITIGATED AND CLOSED JULY 28, 2021

CONTEST AND OBJECT: The lawsuit follows Law of Evidence involving the appropriate
Rules of Evidence of the Federal Rules of Bankruptcy Procedures (FRBP).

BASIS OF CONTEST AND OBJECTION(S):

1. The defendant attests she does not legally owe any debt legally collectible to or by the plaintiff. The defendant wishes to ensure her rights of protection afforded by the permanent injunction by discharge order issued July 7, 2021, is not violated, along with the opportunity receiving "due process" the opportunity to present evidence which was not previously afforded.
2. In Chapter 7 cases the debtor does not have absolute right to discharge. To object to a debtor's discharge a creditor must file a complaint in the bankruptcy court before the deadline set out in the notices to the creditors 341 meeting.

6-20-22
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Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Butler

County

PROTHONOTARY'S
OFFICE - BUTLER CO.
ENTERED & FILED

For Prothonotary Use Only:

Docket No:

22-10337

2022 MAY 13 PM 2:51

The information collected on this form is used solely for court administration purposes. This form does not Supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons
☐ Transfer from another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff Name:
M&T BANKLead Defendant's Name:
JOANNE M. ROMANAre money Damages requested?: ☐ Yes ☒ NoDollar Amount Requested _____ within arbitration limits
(Check one) ☒ outside arbitration limitsIs this a *Class Action Suit*? ☐ Yes ☒ NOIs this an MDJ Appeal? ☐ Yes ☒ NOName of Plaintiff/appellant's Attorney: KML Law Group, P.C.☐ Check here if you are a Self-Represented (Pro Se) Litigant

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel Defamation
☐ Other

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other**CIVIL APPEAL**

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Zoning Board
☐ Statutory Appeal: Other

☐ Other:**MASS TORT**

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☒ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet title

☐ Other**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin

☐ Other**PROFESSIONAL LIABILITY**

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

Pa.R.C.P. 205.5

Updated 1/1/2011

954440

\$183.75

1 cert SH